

But today's and yesterday's action on this floor—and today's rulings, the rulings handed down yesterday and today—have all but stopped us from engaging in an honest dialog on this matter.

It is a slap in the face to the public, and to this institution.

If the majority party is sincere about doing the public's business in a truly open and public fashion, I challenge the leadership to back up their words with action.

THE REAL ISSUES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, what are the real issues facing Americans today? Nonexisting payments for book deals or House historians who are on the job for 1 day? I do not think they really care about that. Americans are concerned about the economy. They are concerned with how our Government affects their lives, they are concerned about their children's future. Republicans are ready to debate the real issues facing Americans today. We are ready to clean up Congress and that huge, overbloated Federal bureaucracy. We are ready to pass legislation that our constituents want, like a ban on unfunded mandates and a balanced budget amendment. I implore my colleagues from the other aisle to join with us in a bipartisan fashion to change Congress, not change the subject.

THE PUBLIC SHOULD NOT BE SHUT OUT OF THEIR HOUSE

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, yesterday, my Republican colleagues set an unfortunate precedent by gagging debate on the House floor, and disallowed the airing of legitimate questions surrounding a Member's financial dealings.

Today, Republicans and the Heritage Foundation plan yet another closed door meeting with telecommunications executives to discuss future regulation of our public airwaves. The meeting is closed to Democrats, closed to the media, and closed to the public.

But, this is not the only way that the public may be shut out of their House. The Heritage Foundation has recommended to Republicans in Congress that they cut corners by charging admission to the U.S. Capitol. In fact, one Heritage Foundation scholar said this week of tourists who take guided tours of the Capitol, and I quote: "They wear down the steps, they brush against the walls."

Republicans should not be concerned about the American people wearing down the steps.

They should be concerned about how special-interest influence and book

deals are wearing on the reputation of this institution.

THE 10TH AMENDMENT TO THE CONSTITUTION RE UNFUNDED MANDATES

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, the 10th amendment states that powers not delegated to the Federal Government will be reserved to the States and the people—not the other way around.

However, the Federal Government has turned this amendment on its head by passing on to the States the costs of legislation it cannot afford. This costs States and taxpayers billions of dollars and countless hours in an effort to comply with extraneous regulation.

The States are being forced to sacrifice their own programs and priorities in order to comply with Federal regulations.

In my own State, we passed the Headlee amendment to the Michigan Constitution in 1978. This prevents the State from imposing mandates on local governments. This has worked to the advantage of the entire State; saving money and cutting burdensome regulation for local governments.

The proposed Federal Unfunded Mandate Reform Act will allow greater flexibility for State and local governments, more accountability for Congress and savings for the American taxpayers.

Mr. Speaker, if the Federal Government cannot pay for it, we should not force the costs on the States. It is time we take responsibility for our own actions.

BARBIE DOLL HAS MOVED TO MEXICO ALONG WITH 700 UNITED STATES JOBS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, while Congress plays politics with NEWT GINGRICH, last night's trade deficit showed a record of \$10.5 billion. The 1994 trade deficit, Democrats, will hit a record \$154 billion, which is equivalent to 3 million high-paying American jobs with benefits lost.

It has gotten so bad, Barbie Doll has moved to Mexico. Mattel Inc., from New York, is laying off 700 workers. They will make Barbie Dolls now in Mexico.

Mexico gets jobs, America gets pink slips, and Congress is debating NEWT GINGRICH and balanced budget amendments? Beam me up. There is no intelligent life left in the Congress of the United States.

Where is the trade program of the Democrat Party? We are failing the American workers, and that is why we

are in the minority, quibbling over the Speaker.

PROVIDING FOR CONSIDERATION OF H.R. 5, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, it is with great pleasure that for the first time I call up House Resolution 38 and ask for its immediate consideration.

The clerk read the resolution, as follows:

H. RES. 38

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed two hours, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform and Oversight and one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Government Reform and Oversight and the Committee on Rules, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered by title rather than by section. Each of the first four sections and each title shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

□ 1100

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my very good

friend, the gentleman from South Boston [Mr. MOAKLEY], the distinguished ranking minority member of the committee, pending which I yield myself such time as I may consume.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, today marks the beginning of a new era of open debate and deliberation in the House of Representatives. This is an open rule for H.R. 5, the Unfunded Mandate Reform Act of 1995. It is the first contract item after opening day to be considered by the full House, and the Rules Committee is keeping its commitment to open and fair debate.

Specifically, the rule provides for 2 hours of general debate divided equally between the chairmen and ranking minority members of the Committee on Government Reform and Oversight and the Committee on Rules.

The rule makes in order an amendment in the nature of a substitute printed in the report to accompany the rule as original text for amendment purposes. The substitute shall be read by title instead of section for amendment, with sections 1 through 4 and each title considered as read.

The Chairman of the Committee of the Whole may give priority in recognition to Members who have preprinted their amendments in the RECORD prior to their consideration, and such amendments shall be considered as read. Finally, the rule provides for one motion to recommit, with or without instructions.

Let me stress that this is more than an open rule. In fact, it is a wide-open rule. Any Member can be heard on any germane amendment to the bill at the appropriate time. Contrary to some speculation, there is no preprinting requirement.

Printing of amendments in the RECORD is an option that is encouraged, and I hope Members will pursue that option. To encourage Members to do so, the rule empowers the Chair to recognize, when two Members seek recognition at the same time, the Member whose amendment has been printed in the RECORD.

A number of my colleagues on the other side of the aisle have argued that this is a complicated bill that needs thorough consideration, and giving Members the option of making amendments available for their colleagues to read in advance will further that objective.

Well, who can argue with that? Apparently my Democrat colleagues on the Rules Committee did. They clamored for more deliberation and more openness, but when presented with a wide-open rule that allows any Member to offer amendments, many of which they say are necessary to improve the bill, they all voted against the rule.

Mr. Speaker, my friends on the minority who were formerly in the majority just cannot seem to shed the closed-door mentality developed over

40 years of iron-fisted rule. The Republican majority, however, is saying with this rule, "Let's throw open the shades and debate this unfunded-mandates bill in full view of the American people."

So the choice before us today is very clear, Mr. Speaker. A vote for this open rule is a vote for full debate, full participation, and full deliberation on a bill that has the overwhelming support of State and local government organizations and the American people. It is a bill that will make Congress more accountable by forcing the House and Senate to face the question not only of whether an unfunded mandate is necessary but how it is to be paid for.

In contrast, a vote against this wide-open rule is a vote to obstruct good-government legislation and to continue being reckless and unaccountable with decisions that affect State and local governments and their taxpayers.

Mr. Speaker, I urge my colleagues and even those who in the Rules Committee voted against this rule to, while we are considering it today, realize that it is wide open and will create the kind of deliberation that is absolutely essential. I hope they will vote with us.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may use.

(Mr. MOAKLEY asked and was given permission to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I am very happy to hear my dear friend from the Rules Committee, the gentleman from California [Mr. DREIER], talk about the openness of the rule.

This is a bill, Mr. Speaker, that did not have a hearing in the House of Representatives. There was no committee hearing. The Committee on Government Operations had some kind of a session, but they did not call it a hearing, and the only one that was allowed to testify was a nonmember of that committee. So there is a lot of openness here, but I do not know if we are opening doors in the right direction.

Mr. SOLOMON. Mr. Speaker, would my good friend yield to me?

Mr. MOAKLEY. I am glad to yield to my good friend, the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would say that one of my best friends, the gentleman from Massachusetts, knows that he was present at a lengthy hearing that he and I and other members of the Rules Committee held on this very important issue, particularly title III, which is the most significant part of the bill.

Mr. MOAKLEY. That is right.

Mr. SOLOMON. The gentleman recalls that?

Mr. MOAKLEY. I recall it very well, if I may reclaim my time, but I also recall hearing Members say that there was no official hearing and the only person they heard from—I am talking about the other committee, the Government Operations Committee—was a

gentleman who is no longer on that committee.

Mr. SOLOMON. Mr. Speaker, would my good friend yield one more time?

Mr. MOAKLEY. I am glad to yield to the gentleman from New York.

Mr. SOLOMON. We want to move this legislation through, but the gentleman knows that informed him and I informed his chief of staff that they were welcome to have members of his party come and testify before our lengthy hearing and to bring any outside people that they wanted to. And the gentleman did bring, if he recalls, three members from private organizations to testify. But they could have had 15 or 20 and we would have been glad to spend the entire day on the hearing if they wanted to. But we brought in the people we wanted there.

Mr. Speaker, I thank the gentleman for yielding.

Mr. MOAKLEY. Mr. Speaker, I reclaim my time.

As I say, this is a noticeable improvement over the gag rule within the closed rule that we did on opening day, but I am still going to oppose the rule for the consideration of the unfunded-mandates bill.

I am very concerned about the careless way this bill has been thrown together, and I think on such an important bill the American people deserve to be assured that Congress knows what it is passing. After one Rules Committee hearing and with one Republican member testifying at a markup, I cannot say that we do.

Here is a bill that has an open rule on the floor, but it has been closed everywhere else. It has been closed to Democrats who want to have input in the committee structure, it has been closed to interested parties who wanted to ask questions, it has been closed to committees of secondary jurisdiction, and, Mr. Speaker, it has been closed to the American people. When people are asked about it, they say that we can handle that on the floor.

Mr. DREIER. Mr. Speaker, will the gentleman yield for just one quick observation?

Mr. MOAKLEY. I would like to finish my statement first.

Mr. DREIER. I am anxiously looking forward to my friend's statement, but I just wanted to state that I believe we accepted the amendment that the gentleman from Massachusetts offered, so I think it is a bit of a push to say that no Democrats had any input on this measure.

Mr. MOAKLEY. I am talking about the committee structure without the entire hearings.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

Mr. MOAKLEY. Mr. Speaker, I recognize the Republicans are in a bit of a hurry, but my town people expect a little more consideration when it comes to passing laws that affect them, and I am sure it is the same for other parts of the country, too. The congressional committees have more institutional

issue-based knowledge in their little fingers than we have here in the entire House.

□ 1110

However, the people who know best have been shut out of the process. They have been told to wait until we get to the floor, and "You can amend it in any section," but I am afraid we are reverting back to the old days of Congress where a matter would come up on the floor, you would have to recess, go ad hoc, and try to determine what the answer is.

Mr. Speaker, all I want to let the people know is that the unfunded mandates bill is no small potatoes. It will affect every single American man, woman, and child. It will affect the quality of drinking water and the air that we breathe. It will affect the way asbestos and lead paint are removed from our schools. It will also affect the food we eat and the conditions in which we work.

I worry that overeager Republicans know not what they are passing. I think during the hearing it was brought out that there were questions that were still unanswered, but we will see how we can work it out. I just think this bill is much too important to put that type of criteria on it.

We have a duty to the people we represent to understand the far-reaching effects of the bills we pass, no matter who is in the majority. I am worried we do not know how this bill will really affect American families.

As I said in the Committee on Rules, I much prefer we sacrifice a little speed in the interests of protecting families. Mr. Speaker, I would urge my Republican colleagues in the new majority, let us be responsible. Rethinking the Federal-State partnership takes more than a few days or a couple of weeks. I hope that they will join me in opposing the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, it is a great privilege for me, since it is my first opportunity, to yield 2 minutes to the distinguished gentleman from Glens Falls, NY [Mr. SOLOMON], the new chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Claremont, CA, for yielding me this time.

Look out, here comes the beginning of the second Reagan revolution, Mr. Speaker. I am so excited I can hardly stand it. I rise in the strongest possible support for this rule and the Committee on Rules of the 104th Congress. Our first rule is, of course, as my good friend, the gentleman from California [Mr. DREIER], has said, a wide, wide open rule.

The rule before us today, which provides for the consideration of the Unfunded Mandates Reform Act, is yet another example of the Republican majority's commitment to congressional

reform on this floor. We pledge to give our legislative proposals free and unfettered debate. We promise to allow Members of Congress, regardless of political party or ideological tilt, the right to offer amendments. Boy, that should please a lot of conservative Democrats over there. They have told me so.

Today we are proposing a rule which accomplishes precisely those two objectives: openness and fairness in this body.

Mr. Speaker, what gets me so excited is the bill itself. It is the first of many steps that will be taken by this new Republican majority to make it as difficult as possible—and Members had better listen up, because this is the intent—to make it as difficult as possible to saddle State and local governments and private business and industry with crippling unfunded mandates. These mandates force local governments to raise taxes to pay for them and force business and industry to comply with unnecessary rules and regulations and laws that sap the operating capital that would otherwise be used for expansion and growth to create jobs and prosperity in this country for the American people.

Mr. Speaker, there are Members of this House today, as I said before, and excuse me for getting so excited, this is the second beginning of the Reagan revolution that will shrink the size and power of this Federal Government. No longer will there be an arrogant attitude around here that says big brother, Federal Government, knows best. Mr. Speaker, those days are gone forever. Please support this legislation.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to hear the pledge of the gentleman from New York to allow wide open rules on all the contract items and to allow Members, regardless of party, the right to offer amendments.

Next week, Mr. Speaker, we are going to take up the balanced budget amendments. I am glad that the chairman has committed to doing that important bill under an open rule today.

As to the gentleman's surprise to my opposition to this rule, let me reiterate, I am glad it is an open rule. My opposition to the rule is not based on its openness, but on the fact that it was never considered, we have probably 75, 85 new Members who have never seen the bill. They say that we had the bill last year. That is not so. This is a completely different bill than we had before us.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I would like to elaborate on the points raised by my colleague, the gentleman from Massachusetts [Mr. MOAKLEY]. In an attempt to control the unwieldy process of considering legislation in the House, the rules package presented by the Republicans on opening day con-

tained a provision which prohibits the joint referral of legislation.

This reform is well-intentioned, and may ultimately serve an extremely useful purpose as the House goes about its business of making laws. This change in House procedures may very well reduce or eliminate the endless arguments and delays occasioned by multiple committees staking claim to legislative provisions which may or may not be part of their assigned jurisdiction.

However, Mr. Speaker, in the case of H.R. 5, in the rush to banish the old order, the Contract With America has created a truly regrettable legislative situation. This particular bill, as was pointed out by my colleague, the gentleman from Massachusetts, was primarily referred to the Committee on Government Reform and Oversight, with sequential and partial referral to the Committees on Budget, Judiciary, and Rules.

Of their four committees, only the Committee on Rules held a hearing on this most complex proposal. The Committee on Government Reform and Oversight was not permitted to consider this matter in a full and open way. Many questions were left unanswered.

Mr. Speaker, when it was signed by the Republican candidates for Congress last fall, the Contract With America explicitly stated that the election could result in a House with a new majority that will transform the way Congress works. The Contract With America also states that its goal is to restore accountability to Congress, and that the reforms embodied in the package are aimed at restoring the faith and trust of the American people in their Government.

Mr. Speaker, these goals are laudable and are certainly shared by Democratic Members. However, I cannot see how ramrodding this proposal through the primary committee of original jurisdiction, the old Government Operations Committee, where hearings were not held and where amendments were not permitted to be offered, satisfies the conditions set out in the Republicans' Contract With America.

Mr. Speaker, the Committee on Rules is the committee of the House charged with the responsibility of overseeing the rules and procedures of this body. I find it quite troublesome that the committee has seen fit to ignore the long-standing tradition of allowing individual committees to debate and deliberate.

The gentleman from Massachusetts [Mr. MOAKLEY] so correctly pointed out that it is in the committees of the House that the real work of the people's business is done. Sadly, in the case of H.R. 5, which has enormous and far-reaching implications in the lives of all Americans, the committees of the House were not permitted to do their jobs.

In closing, Mr. Speaker, I would like to respectfully disagree with the argument made by my Republican colleagues that this bill would be considered under an open rule and therefore the process has not been subverted.

Mr. Speaker, I urge opposition to the rule.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would respond to the gentleman by saying we are in fact considering this under a wide-open rule so the American people can view the entire proceedings that are taking place here in the House. Six times last year, six times, the Committee on Government Operations moved legislation directly to the floor without a single hearing. We are doing this under a full and open amendment process as it was done in the committee.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], chairman of the Subcommittee on Legislative Process of the Committee on Rules.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I thank the gentleman from greater Metropolitan San Dimas, CA [Mr. DREIER], who is the distinguished vice chairman of the Committee on Rules, for yielding me this time.

Mr. Speaker, I am very pleased to rise in support of this rule today, because this is the first rule that has actually been brought to the floor through what we would call the normal Committee on Rules process. Opening day is one process, and the only other legislation has been the suspension process.

Mr. Speaker, this is our first product, the first baby we are delivering. I am delighted that it is a wide open rule. It is a rule we are calling an open rule plus, because every Member is protected. I say that again. Every Member is protected. We have provided for an open debate and an open amendment process, and we have gone one step further and encouraged, encouraged, not required, not mandated, but encouraged Members to preprint their amendments.

□ 1120

The purpose of course for the voluntary process is to prompt Members to plan ahead, to develop their amendments fully. Other Members will have a chance to look at them and consider ideas from all our colleagues. It is called deliberative democracy for those who may not recognize it.

Having said, I want to take a moment to respond to criticism we heard Tuesday with regard to bringing the Congressional Compliance Act, better known as the Shays Act, to the floor under suspension of the rules. I notice there were some complaints about this. A few Members cried closed rule and some of the misguided media bought that argument.

As someone who has spent a good deal of time in the minority staring down the barrel of one closed rule after another in the 103d Congress, I would urge my colleagues to be careful about crying wolf on these matters.

If we look at the rules of the House, specifically rule XXVII which allows the Speaker to bring up bills under suspension, we will recall that this longstanding practice is meant to be used for bills that are noncontroversial. Given the 390-to-0 result of Tuesday's vote on the Shays bill, I think everybody could agree that we were dealing with one of the most noncontroversial bills in recent memory.

Of course everybody knows bills under Suspension Calendar are not amendable but must endure the extra burden of a two-thirds vote. I think we understand that.

Finally, I would like to say that we on the majority side understand the role of our colleagues in the minority in the Committee on Rules in defending the rights of the minority and we respect it very much. I know they have an especially difficult chore today finding fault with this wide open rule like the one we have on unfunded mandates—I hope it is the precedent for the future—especially one that really goes out of its way to encourage all Members to participate in orderly and planned-ahead debate.

I was somewhat surprised and dismayed that the minority went ahead and opposed this rule in committee. Voting unanimously against it in fact. I hope that my friends on that side of the aisle will recognize that this is an open rule that completely protects their rights and that ensures an orderly and unfettered debate on an issue that we care about.

I think this is the way rules should be in circumstances like this and I think we are one-for-one on open rules in the Committee on Rules.

To my good friend, the distinguished ranking member who has properly said that this is legislation that will affect all America, I agree. It will be a great improvement for all Americans.

Mr. MOAKLEY. Mr. Speaker, I yield 8 minutes to the gentleman from California [Mr. BEILENSEN] who has been a very hardworking member of the Committee on Rules and probably has been the conscience of the Committee on Rules in many endeavors.

The SPEAKER pro tempore, (Mr. GUNDERSON). The gentleman from California is recognized for 8 minutes.

Mr. BEILENSEN. I thank the gentleman from Massachusetts for yielding me the time.

Mr. Speaker, I rise in opposition to the rule for the same kinds of reasons that the gentleman from Massachusetts [Mr. MOAKLEY] set out so well just a few minutes ago. Not because there is anything terribly wrong or unfair about the rule itself. There is not. It is a fine rule. I want our friends on the other side of the aisle in the Committee on Rules to know that we be-

lieve and we agree with them that it is a fine rule.

Mr. DREIER. Would the gentleman yield on that point?

Mr. BEILENSEN. No, I will not.

Mr. DREIER. I just wanted to ask why my friend voted against it if it is such a fine rule.

Mr. BEILENSEN. I will explain in a moment if I am given the opportunity why I voted against the rule.

Mr. Speaker, there is nothing, as I just said, terribly wrong or unfair about the rule. That is not why we are opposed to it. But there is something terribly wrong about the way that this legislation is being brought before us here on the floor of the House of Representatives.

Mr. Speaker, we all recognize that unfunded Federal mandates have become a very serious concern to State and local governments as well as to the private sector. We are all eager to respond to that concern. But the bill that this rule makes in order is not the kind of reasonable, sound, well-thought-out response that our State and local partners or for that matter all Americans deserve. I therefore join with the gentleman from Massachusetts [Mr. MOAKLEY] and the gentleman from Texas [Mr. FROST] in urging that our colleagues vote no on the rule so that the bill will be returned to the committees of jurisdiction where it can be reviewed and reconsidered before it is brought to the floor for our consideration.

Our colleagues on the other side of the aisle have made much of the fact that they have produced an open rule for considering H.R. 5. They say that all of the issues we are concerned about in the bill can be raised through the amending process on the floor. That may sound fair and reasonable, but the fact is that the floor is not the appropriate place to write a bill. It is not the appropriate place to hammer out important legislative details. By the time a bill reaches the floor, we ought to be at a point where the matters to be decided by the entire membership of the House have been narrowed to a relatively few major issues which for whatever reason did not get satisfactorily resolved in committee. Otherwise, why have a committee system?

If we value our committee system at all, if we agree that the proper way for a legislative body of 435 Members to process complex, difficult legislation of the sort that this rule makes in order is to use our committees to do the hard and serious work involved in legislating, listening to a broad range of witnesses, delving into the details of a bill, debating alternatives and working out solutions that satisfy a majority of the Members who have some expertise in the subject matter, then we all should be seriously troubled if not outraged over the manner in which this bill is being moved through the legislative process.

H.R. 5 was, as Members have now heard, referred to four House committees. Only two of those committees

acted on the bill despite the fact that the legislation has important implications for matters under the jurisdiction of those that did not meet to consider it.

Of the two committees that acted on the bill, Government Reform and Oversight and Rules, only the Committee on Rules held a hearing and our hearing was brief. We heard from only three public witnesses.

What happened in the case of the Committee on Government Reform and Oversight is particularly egregious. Although Government Reform is the committee which has principal jurisdiction over the bill, not one hearing was held on it there. Groups and individuals that will be affected by this legislation had no opportunity to make their views known before the committee acted. The committee marked up the bill just 6 days after the bill had been introduced which limited the opportunity even of members of the committee to adequately review the bill, receive comments, develop alternatives and amendments. Proponents of the legislation have rationalized the shortcoming of the legislative process by saying that the Committee on Government Operations held a number of hearings on unfunded mandate legislation in the last Congress. But the bill the committee considered last year was significantly different from the one introduced and before us this year.

Furthermore, 31 out of 51, well over half of the members of the committee itself, did not serve on Committee on Government Operations last year, in the last Congress. For them, the hastily scheduled markup on a freshly introduced bill was their initiation to this complex major issue of unfunded mandates. Had our committees had more time to work with this bill, we might have had some of the answers that we ought to have before we move forward with the bill.

For example, does this bill prohibit consideration of reauthorization of laws that contain unfunded mandates currently in effect? It is apparently the intent of the sponsors to exclude existing mandates but it is not clear whether a minor change in a law would disqualify a reauthorization from being considered as such.

Which Federal activities are included in those which are to be prohibited under our rules? And which are exempted? The bill is not clear on that point.

Will this bill give public sector enterprises such as power generators and waste treatment facilities a competitive advantage over private sector counterparts and will that deter efforts to privatize existing governments activities that might be better handled and more efficiently handled by the private sector?

This bill provides a way for us to vote to waive the rule against legislation containing an unfunded mandate before a ruling is made on whether in fact it contains an unfunded mandate.

How are we to decide whether to waive that rule when we do not even know if the legislation in fact contains an unfunded mandate or exactly how much that unfundness is?

The list goes on and on. This is very problematic legislation and questions about the way it will work and the impact it will have will spill out over the next several days as Members will see as we consider amendment after amendment to this bill. The price we will pay for not having done a responsible job in this legislation in our committees, not having laid the groundwork there, will be protracted debate and an immense amount of confusion over the bill on the floor of the House of Representatives. Anyone watching these proceedings will surely question whether we have any clue at all as to what we are doing with this bill.

Mr. Speaker, we are well aware that the reason for the speedy consideration of the legislation is to enable our Republican friends to fulfill their Contract With America by getting all the bills listed in that document to the floor within 100 days. But as one of the witnesses at the Committee on Rules hearing said,

It is ironic that a bill supposedly intended to assure that the impacts of congressional actions are fully understood should be moved forward so hastily that no time or opportunity exists for understanding or evaluating its own impacts.

Mr. Speaker, this process is troubling in the extreme. In fact, it is a disgrace. It is also an affront to the American people who have every right to expect us to proceed with care and thoughtfulness when we write major pieces of legislation.

Mr. Speaker, I truly believe the American people will forgive our Republican friends a little slippage in the timetable for acting on the Contract if the end result is better written, more fully understood legislation.

Let us take what we all know is the right and responsible course of action here. Let us send this bill back to the four committees of jurisdiction for hearings and proper consideration which could be done over just the next couple of weeks and then when we bring it up on the House floor we will have both a much better product and a much better idea of what we are voting on.

I urge my colleagues to vote "no" on the rule.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 5, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. DREIER. Mr. Speaker, we have an extraordinarily impressive cadre of new members of the Committee on

Rules. I yield 2½ minutes to one of them, the gentleman from Tucker, GA [Mr. LINDER].

Mr. LINDER. I thank the gentleman for yielding me the time.

Mr. Speaker, while it is tempting to debate the contents of the unfunded mandate bill at this time, this debate is actually on the rule.

The debate we begin this morning shows that the new majority continues to keep its promises that we made to the American people. Two weeks ago we opened up the House and today we begin with free and open debate on H.R. 5, the Unfunded Mandate Reform Act and the rule attendant thereto.

As a member of the Committee on Rules, I want to comment on two specific aspects of this bill affected by the committee.

First I am pleased that every Member of the House has the opportunity to vote on a rule that we did not see very much of in recent years, an entirely open rule. During the past 2 years it was extremely rare for us to encounter many rules which allowed the House to engage in free and open debate. In fact it was not until May 1993 that we saw our first open rule in the 103d Congress.

Second, while the Congress has recognized the fiscal crisis that our State and local governments face in their attempts to absorb the costs of Federal mandates, Congress has been unable to find the will to curb its addiction to imposing these costly regulations. As a result, title III of this bill institutes new House enforcement procedures to terminate the casual practice of passing these unfunded mandates.

First, any bill reported by a committee containing intergovernmental or private sector mandates is subject to a point of order on the House floor unless the committee has published a CBO estimate. This is a straightforward, fiscally responsible reform. If a Member is not willing to find out how much a bill costs, then the bill cannot be considered.

Second, any bill, joint resolution, amendment or conference report which imposes mandates over \$50 million on State and local governments is subject to a point of order on the House floor, unless the mandate is funded. This new rule plainly states that legislation exceeding the declared threshold and not paid for will not be considered.

And third, any rule waiving the point of order is also subject to a point of order. This special obstacle assures that the Rules Committee will not merely suspend the thoughtful deliberation and accountability that the bill is designed to enforce.

I am certain that federalism in America was not intended to mean that our Governors and State and local officials were elected simply to serve as administrators of expensive Federal programs. This legislation allows the Congress to move away from coercive federalism and permits the States to focus on State and local priorities. I strongly support the passage of H.R. 5